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THE ISSUE FAIRLY PRESENTED.

THE SENATE BILL

FOR

THE ADMISSION OF KANSAS AS A STATE.

DEMOCRACY,

LAW, ORDER, AND THE WILL OF THE MAJORITY OF THE WHOLE PEOPLE OF THE TERRITORY,

AGAINST

BLACK REPUBLICANISM,

USURPATION, REVOLUTION, ANARCHY, AND THE WILL OF A MEAGRE MINORITY.

PUBLISHED BY ORDER OF THE DEMOCRATIC NATIONAL COMMITTEE.

WASHINGTON:
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1856.

TO THE PEOPLE OF THE UNITED STATES.

The Democratic National Committee—with the hope of allaying in some degree the wild excitement now prevailing in many sections of the country in reference to the unhappy state of affairs in Kansas, and also of disabusing the public mind upon the subject of the designs and principles of the democratic party with regard to the question of slavery in the territories—ask the attention of the public to a practical issue now made up between the two parties, in the course of recent congressional legislation. We propose fairly and fearlessly to appeal to the people, whether the bill passed by the democratic senators on the 2d of July instant, to admit Kansas as a State by a prescribed process, is not preferable to the adoption of the crude, partial, and revolutionary measure commonly called the Topeka Constitution. Other questions may be incidentally glanced at; but our main purpose on this occasion will be to show, by a distinct and definite appeal to the record, that (whether in or out of Congress,)

THE BLACK REPUBLICAN LEADERS DO NOT DESIRE PEACE IN KANSAS PRIOR TO THE PRESIDENTIAL ELECTION!

The question of human slavery has been a topic of partisan discussion ever since our government began; but it is in relation to the territories of the Union that it has presented itself in the most complicated and dangerous form.

To discuss this question at length, in any of its various aspects, is wholly foreign to our present purpose. We shall not undertake to determine why the God of nature made the African inferior to the white man; or why He permitted England to fasten the institution of slavery upon the colonies against their repeated and earnest remonstrances. Nor can we tell what Heaven in its wisdom may intend to work out of the relations of master and slave, as they now exist in several of the United States.

This, however, we do know, and will add, that when these States, as independent parties, agreed to come under a common Constitution and into a common Union—it was upon terms of perfect equality, for the mutual and equal benefit of all, and that African slavery was one of the recognized subjects of that compact. All power over it was expressly reserved to each member of the confederacy.

Nothing was yielded, and no new right in this respect was added, except that each State bound itself to return to any other, upon de-

mand, fugitives from legal servitude. We know, too, in relation to any compact, it is always good faith and good morals to keep it in whole, as well as in part; in the spirit as well as to the letter; in regard to Territories as well as in reference to the States of this Union. An evasion of a promise or covenant is as immoral as a bold and open breach of it; and involves, in addition, the contempt which inevitably falls upon trickery or cowardice. It is obvious, then, that the success of any attempt practically to disregard a particular feature of the Constitution, whether relating to the rendition of fugitives from labor, or any other distinct guarantee to the citizens or the States, would operate as a virtual abandonment and demoralization of the whole instrument, an event which the Union could not long survive.

The ordinance of 1787, which seems to have been established without much objection at the time, adjusted the subject of slavery in the Northwestern Territory. Again in 1820, Congress, after an angry and exciting controversy, passed a law, excluding the institution from that part of the Louisiana territory which lies north of a certain parallel of latitude. In 1845, when Texas was admitted into the Union, this line of inhibition was also applied to that State.

But when the acquisition of territory from Mexico once more presented this subject, the mode of adjustment by a geographical line was considered, and finally rejected by Congress; and this mainly by the votes and influence of the very same brood of agitators who now affect to regret the abandonment of the principle! This result created the necessity of resorting to some other mode of settling the question. Finally, in 1850, after a period of great agitation throughout the country, the leading patriots and wise men of both parties, such as Clay, Webster, Cass, and others, decided upon leaving this question where it always ought to have been left, and where the true spirit of our institutions places it—*in the hands and under the control of the people of the Territories themselves*, restrained only by the Constitution.

The whole nation rejoiced in this wise adjustment, and all parties claimed it as a finality as to this principle of territorial organization. For once, the question of slavery in the Territories was settled upon the principles of our revolutionary fathers, who demanded a voice and a vote in regulating their own institutions; the same great fundamental principles of human government, which underlie and uphold our whole republican system—principles suited to all Territories and to all times, and as broad and enduring as eternal truth. This form of adjustment was denominated *non-intervention* by Congress—*self-government* by the people of the Territories.

In 1854, when it became necessary to organize the Territories of Kansas and Nebraska, it was deemed just and proper to extend these principles of self-government to those Territories, regardless of the restrictive Missouri line. It seemed manifestly unjust to accord such high privileges to citizens who might reside in the Territories of Washington, Utah, and New Mexico, and deny their enjoyment to those who should go to Kansas and Nebraska. Nor did it seem right to reject the practical use of a great principle, which had been so universally approved by all parties. The Kansas-Nebraska act accordingly became a law of the land.

Then it was that the abolition party renewed their schemes of agitation. Up to that hour, they had scarcely ceased to denounce the Missouri demarcation as unconstitutional, arbitrary, and unjust. Their indignation at its adoption had been unbounded. No public man who had sustained it, that was within their reach, escaped their vengeance. But no sooner had this arbitrary rule been superseded by one more republican and reasonable, than their admiration for the former suddenly burst forth in the strongest terms. They now affected to see in it the force and virtue of a solemn compact of good faith, justice, and liberty; and proceeded to denounce those who favored its repeal with as much bitterness as they had employed at an earlier day, against those who had sanctioned its adoption.

Reckless and inconsistent upon this subject to the very last, these desperate agitators are now engaged in charging the unhappy state of society in Kansas to the legislation of the Democratic party, and as consequent upon the incorporation of the principles of self-government into the organic law of Kansas Territory; forgetting, or wilfully overlooking the fact, that in Washington, Utah, and New Mexico, *all organized upon the same principle*, there is entire quiet and good order. It would be equally logical and true to say in reply and in defence, that they themselves became the authors of the evils in Kansas, by rejecting the extension of the Missouri line to the Pacific, as a final adjustment, when proposed by Judge Douglas in 1848. Some other mode of adjustment was thus, and by their own act, rendered absolutely necessary; and that applied to Kansas was devised by the wisest men of the nation, in 1850, to meet the exigencies then presented.

But the real purposes of the agitators cannot be concealed. Excitement on the slavery question is the very life-blood of their fanatical organization. Take this away, and there remains to them only a few minor and kindred topics, by the agitation of which they can hope to secure position and notoriety.

Upon the subject of Kansas, these leaders sanctimoniously, and with affectation of great humanity, claim before the public a desire only to advance the interests of peace, and to secure for the settler in that Territory a just and equal State government, of his own unawed and untrammelled choice. They have uniformly contended in Congress that the free State party were largely in the majority, and that all they desired was, that the popular will should be fairly reflected on the subject of slavery; and that the proper remedy for the evils in Kansas was her prompt admission as a State.

Mark, now, the progress of events in Congress, and judge of the sincerity of these professions. On the 23d day of July, Mr. Toombs, a southern senator, submitted a proposition for the early admission of Kansas as a State, by authorizing the present inhabitants, in a prescribed manner, to form a State constitution in November next. The main features of this measure, as finally passed by the Senate, are hereto appended, so that the reader can come to his own conclusion as to the fairness of its provisions.

A leading and vital idea of this bill, it will be seen, is to terminate at once all inducement on the part of outsiders to force temporary

population into the Territory, with the view of controlling a decision on the question of slavery. The sole right to influence such decision is confined to citizens who may have already become *bona fide* inhabitants of the Territory; thus ending this angry struggle, and giving peace to the whole country. This movement produced a deep sensation in the Senate and throughout the Union, and no small share of consternation amongst the Kansas agitators, who saw in it the elements of destruction of their vocation. It struck all right-minded men as eminently just and wise in its provisions. Even Senator Hale, so distinguished for his aversion to everything emanating from a southern source, could not restrain his admiration, and almost involuntarily paid it the following just tribute:

"But, sir, I do not want to dwell on that subject, but to speak a very few words in reference to this bill which has been introduced by the Senator from Georgia. I take this occasion to say that the bill, as a whole, does great credit to the magnanimity, to the patriotism, and to the sense of justice of the honorable senator who introduced it. It is a much fairer bill than I expected from that latitude. I say so because I am always willing and determined, when I have occasion to speak anything, to do ample justice. I think the bill is almost unexceptionable."

After having been read in due course in the Senate, it was referred to the proper committee of that body; which subsequently returned it with amendments, accompanied by an elaborate and able report, in which the subject is thus treated:

"The existing government in the Territory of Kansas was organized in pursuance of an act of Congress approved May 30, 1850, instituting temporary governments for the Territories of Nebraska and Kansas, preliminary to their admission into the Union on an equal footing with the original States, so soon as they should have the requisite population. The organic law of Kansas is identical with that of Nebraska in all its provisions and principles. Each is based on that great fundamental principle of self-government which underlies our whole system of republican institutions, as promulgated in the Declaration of Independence, consecrated by the blood of the Revolution, and consolidated and firmly established by the Constitution of the United States. Each recognizes the right of the people thereof, while a Territory, to form and regulate their own domestic institutions in their own way, subject only to the Constitution of the United States, and to be received into the Union, so soon as they should attain the requisite number of inhabitants, on an equal footing with the original States in all respects whatever. These two Territories were thus organized in 1854, under the authority of the same act of Congress, with equal rights, privileges, and immunities, and with the same safeguards and guarantees for the quiet enjoyment of their liberties, without molestation by foreign interference or domestic violence.

"In Nebraska the inhabitants have enjoyed all the blessings which it is possible for a law-abiding people to derive from the faithful administration of a wise and just government. Life, liberty, and property have been held sacred, the elective franchise has been preserved inviolate, and all the rights of the citizen have been protected against

fraud or violence, by laws of his own making. These are the legitimate fruits of the principle, the practical results of fidelity to the provisions of the Nebraska organic act. There was no foreign interference with their domestic affairs, no fraudulent attempts to control the elections by non-resident voters. Emigrant aid societies, with their affiliated associations and enormous capital, did not extend their operations to Nebraska, and hence there were no counter schemes formed to control the elections and force institutions upon the Territory regardless of the rights and wishes of the *bona fide* inhabitants. The principle of the organic law, the right of the people to manage their internal affairs, and control their domestic concerns in obedience to the Federal Constitution, was permitted to have fair play, and work out its natural and legitimate results. Hence, peace, security, and progress, in all the elements of prosperity in this Territory, have vindicated the wisdom and policy of the Nebraska act.

"Fortunate would it have been for the peace and harmony of the republic, and still more fortunate for the unhappy people of Kansas, had they been permitted, in the undisturbed enjoyment of their acknowledged rights, to derive similar blessings from the same organic law. Your committee can perceive no reason why the same causes would not have produced like results in Kansas but for the misguided efforts of non-residents of the Territory, citizens of different States, who had no moral or legal right to interfere with the elections and legislation of the Territory, to seize upon the legislative power through the ballot-box, and thus control the local and domestic institutions of a feeble and sparsely settled Territory."

This measure of peace and justice, so well described in the report, came up in the Senate for final passage on the 2d day of July, and was steadily resisted by the Republican Senators, during a prolonged session of twenty-one hours. Notwithstanding the declaration of Mr. Hale, that the proposition was a fair one—"almost unexceptionable"—it encountered the bitterest hostility. Objection after objection was presented, and promptly removed by the friends of the bill—*until it was made manifest that the Republican Senators had determined to accept no measure of peace.* Mr. Seward discarded all attempts to accommodate it to his views, and vauntingly declared that "*the day for compromises had gone by.*"

It was first objected, that the laws of the Territory restrain the free discussion of the question of slavery, and impose test oaths for suffrage and office, and consequently the pro-slavery party would have the advantage. The friends of the measure answered, that all such laws are in conflict with the Constitution and the organic act of Congress, and the bill may be made to provide for their repeal.

Then it was alleged that many of the free State men had been driven out of the Territory, and therefore the bill would make Kansas a slave State. This objection was promptly met by an amendment in the 11th section, giving all such an opportunity to return and have their names registered, and participate in the election for delegates to make a constitution.

It was next said that the penalties for abusing or obstructing the right of suffrage were too light, and these were immediately increased.

The last discovery was, that the President, with the consent of the Senate, had the right to appoint the commissioners, and they had no confidence in this appointing power. To meet this difficulty, General Cass rose in his place and gave them a pledge, on the part of the President and the Senate, that the commissioners should be selected from both political parties, and all be men of the highest integrity and ability.

Then they evinced their want of sincerity in all their objections to the details, by voting in a body for the proposition of Senator Wilson to strike out the entire bill, and insert, instead, a single section, repealing all the laws now in force in Kansas, and leaving the people in anarchy and confusion!

The senator from New Hampshire, (Mr. Hale,) having recovered from his right impulses under the party lash, came forward and moved to defer the effect of the bill to July, 1857, so that the struggle might last another year—in order "*that Kansas and liberty might bleed*" till after the presidential election; and in this he was sustained by the vote of every republican senator!

Mr. Seward, the file leader of the factionists, did his part by moving to strike out the entire bill, and inserting another admitting Kansas into the Union under the Topeka constitution, and was sustained in this by his entire party. Many other amendments were offered, all designed to defeat the object of the bill, or to force its friends to cast votes liable to misrepresentation.

But at last the test vote could no longer be avoided. They had said the remedy for the evils in Kansas was her prompt admission as a State; that the territorial laws were odious and oppressive, and must be repealed; that the elective franchise had been abused, and it must be protected; that the free State party were largely in the ascendancy, and the voice of the majority must be heard. The bill provided for all these things. What then did these black republicans do? Did they act up to their professions by favoring this measure of relief and pacification for Kansas? It is almost incredible that they did not. They resisted it to the bitter end. They deliberately voted against the repeal of the laws subversive of the liberty of speech and freedom of the press; against the prompt admission of Kansas as a State, and, virtually, in favor of the continuance of the present territorial government and laws! It is no justification to say that they preferred the Topeka constitution; *that* measure had already failed; and this Senate bill then came up as against the present government and laws of Kansas. These "*friends* of Kansas" decided in favor of the latter. From this record there is no escape. Failing to get the Topeka constitution, which they had claimed as the best thing that could be done, they were bound, as honest men and patriots, to go for the next best; but they have made their record.

What clearer evidence can we have that these agitators do not desire peace in Kansas than is furnished in this brief and true history? The proof amounts almost to demonstration.

But now for *their* remedy—the Topeka constitution. It was objected to by the democratic senators because it was the work of a party, and not of the whole people; because that work was commenced with-

out authority of law, and prosecuted in open defiance and menace of the government and its authority, emanating from and partaking of a spirit of *rebellion* at every step; *because its recognition by Congress would furnish authority and precedent for revolution against the government, on the ground of alleged grievances, without any previous effort to gain redress by petition*—a step too hazardous, as we believe, for any government. A very brief history of the Topeka movement will be sufficient to convince all of the truth of these allegations.

ORIGIN AND AIM OF THE TOPEKA MOVEMENT.

Preparatory to the Topeka movement two conventions were held—the first at Lawrence on the 14th of August, and the second at Big Springs on the 5th of September. The proceedings of the Lawrence meeting are based on the declaration, "That the people of Kansas Territory have been since its settlement, and now are, without any law-making power," &c.

At the Big Springs convention the following resolutions were unanimously adopted:

"*Resolved*, That this convention, in view of its recent repudiation of the acts of the so-called Kansas legislative assembly, respond most heartily to the call made by the people's convention of the 14th ultimo for a delegate convention of the people of Kansas, to be held at Topeka on the 19th instant, to consider the propriety of the formation of a State constitution, and such matters as may legitimately come before it.

"*Resolved*, That we owe no allegiance or obedience to the tyrannical enactments of this *spurious legislature;* that their laws have no validity or binding force upon the people of Kansas; and that every freeman among us is at full liberty, consistently with his obligations as a citizen and a man, to defy and resist them, if he choose so to do.

"*Resolved*, That we will endure and submit to these laws no longer than the best interests of the Territory require, as the least of two evils, and will resist them to a bloody issue as soon as we ascertain that peaceable remedies shall fail, and forcible resistance shall furnish any reasonable prospect of success; and that, in the mean time, we recommend to our friends throughout the Territory the organization and discipline of volunteer companies, and the procurement and preparation of arms."

Addresses of the most inflammatory character were made by Governor Reeder and others, avowing their determination to resort to force in case their views were not adopted by the government; that "*they must conquer, or mingle the bodies of the oppressor with those of the oppressed in a common grave.*"

But all doubt on this point was settled by the action of the convention itself, immediately after it met on the 4th day of October, 1855, as can be seen by the proceedings.

A resolution was offered by Mr. Smith instructing the various committees to shape their proceedings with reference to an immediate organization of a State government, irrespective of any action of Congress. The proposition was adopted at the end of a long debate, in the course of which Mr. Delahay, who now claims a seat in Congress under the constitution made by that body, made a powerful appeal against it, on the ground that it made the convention "*an act of rebellion*" against the government; but he was answered by the *majority that "they should not, and would not, wait one day for the action of Congress.*"

The constitution framed by the revolutionary convention was submitted to a vote of the people, and it is a disputed point whether it

received 700 or 1,700 out of the 6,000 then in the Territory! Its advocates only claim for it the sanction of 1,700 people, whilst the other side say it did not receive half that number.

Colonel James H. Lane, claiming a seat in the United States Senate, on behalf of the State erected by this constitution, was deputed to convey to Congress the memorial of the so-called legislature, praying for the admission of the State so constituted into the Union. The scene which followed its presentation in the senate will long be remembered. The document was handed to the venerable Senator from Michigan (Mr. Cass) within a few minutes of the opening of the session, with the request that he would present it, which he did. In the course of the debate, on a proposition to refer and print it, the discovery was made that the paper was not an original one; that the signatures were all in the same handwriting; that it was blurred on every page by erasures and interlineations. A closer examination proved that it was a virtual fraud; that it bore no evidence of authority; that the revolutionary ground on which the convention and members of the legislature had first based their action had been stricken from it, and that it had evidently *been recently shaped to suit the views of the republican members of Congress!* They had taken ground that the Topeka convention was "a peaceable assembling of the people to petition for redress," and the memorial was mutilated to suit their partisan ends. Like Mr. Delahay, they had not the courage to stand up to it if called "rebellion." It must be shaped to suit their partisan issue, though fraud and forgery became the agents of the work. This disfigured document, so imposed upon the Senate, was indignantly hurled back by a vote of 32 yeas to 3 nays, and has remained in silent oblivion ever since!

It is true that the minority of the Committee on Territories in the Senate made a very unfair, though futile attempt to redeem this movement from the odium cast about it by its rebellious and revolutionary aspect, claiming that it was only "a peaceable assembling of the people to petition for redress of grievances." To accomplish this end, the true import of the opinion of Attorney General Butler, in the Arkansas case, was deliberately perverted. Such portions only were used as answered the ends of the committee; and in this way many honest people have been misled as to the analogy between the Topeka movement and that of the people of Arkansas. Had the committee used the entire opinion it would have been fatal to their case. The Attorney General, it is true, conceded the right of the people peaceably to assemble and to make a written constitution, a report of their prayer to Congress for admission into the Union as a State, but he added, "*provided always, that such measure be commenced and prosecuted in a peaceable manner, in strict subordination to the territorial government, and in entire subserviency to the power of Congress to adopt, reject, or disregard them at pleasure.*" We submit to the people of the United States to determine, without further comment, whether it is fair or candid to pretend that the Topeka constitution falls within these rules and principles.

MICHIGAN VINDICATED AGAINST AN UNFAIR COMPARISON

Attempts have also been made to find a precedent for this lawless movement in the circumstances surrounding the admission of the State of Michigan. But the following remarks of General Cass, in reply to Mr. Sumner, on this point, and the views of his colleague, Mr. Stewart, presented in another part of this address, will settle the unfairness of that plea beyond cavil.

Mr. Cass. I have listened with equal regret and surprise to the speech of the honorable Senator from Massachusetts. Such a speech—the most un-American and unpatriotic that ever grated on the ears of the members of this high body—as I hope never to hear again here or elsewhere. But, sir, I did not rise to make any comments on the speech of the honorable Senator, open as it is to the highest censure and disapprobation. I rise for another purpose. The honorable Senator has so misunderstood and misapplied the case of Michigan, which he brings forward as a justification of the proceedings in Kansas, that, as I know the facts connected with it, I feel bound to say a few words—and but very few they will be—to the Senate upon the subject.

The honorable Senator has spoken of the right of the people to form conventions with a view to obstruct the authorized laws of the country. I deny such a right. I do not deny the right of any portion of the American people to form conventions; but conventions formed to obstruct the existing laws of the country, unless they succeed, are rebellion. The conventions to which the Senator alluded were held in times of revolution. He referred to the early proceedings in Virginia, while the country was in a state of revolution; when the people rose up to assert their rights; when the Government was opposed to them; and when they had to take measures in their own hands to put down British tyranny and oppression. These were acts of revolution, and justified conventions; but the American people now have no justification for acts of rebellion. Whom do they rebel against? Themselves. The majority always can control the elections, and give form and substance to their representatives to procure any measures they please—not, perhaps, to-day, or within a week, or a month; but the time must come shortly when they will be felt. So much for the States. And Congress is always ready to afford relief and protection to the Territories.

Michigan was guilty of no such crime as that, I am proud to say. The proceedings in that State have no analogy with the proceedings in Kansas. The convention in Michigan was not for the purpose of opposing the law. Let me explain the circumstances in a few words.

The ordinance of Congress of 1787 provided, as I have already said in the Senate, for three States certainly, and two more at the will of Congress, within the Northwest Territory. If the number was increased to five, the first three States were to be bounded on the north by a line running due east from the southern extreme of Lake Michigan. Congress made provision for the three States—Ohio, Indiana, and Illinois. When Ohio came into the Union, she proposed that her boundary, instead of being the east line, should, if it was found that that line would strike Lake Erie south of the north cape of the Maumee Bay, be a straight line from the southern extremity of Lake Michigan to the north cape of Maumee Bay.

When her constitution came before Congress for acceptance, a committee of the House of Representatives, at the head of which was John Randolph, took charge of this subject, and that committee reported that Congress ought not to change the line. Congress had, in the mean time, provided for the territory of Michigan, with the east line for its southern boundary. The Senate will recollect that the provision of the ordinance of Congress of 1787, with respect to the States to be formed in that region, was, that when they had sixty thousand inhabitants they should be admitted, by their delegates, into the Union. The words were, "should be entitled by their delegates to take a seat in Congress." It was contended, in early times, in that country, and, for myself, I think correctly, that the people, at any time when they numbered sixty thousand, under that ordinance, had the right themselves, through the action of the Territorial Legislature, to come forward and claim admission. That was the foundation of the proceedings of the State of Michigan based on the law which I now state.

Michigan had a population of sixty thousand, and came forward for admission into the Union. A convention was called, not by the act of the people—that is, not by the act of individuals—but by a law passed by the Territorial Legislature. Their convention as-

sembled and formed a State constitution, and came forward claiming their boundary to the line established by the ordinance of Congress, and not acknowledging the Ohio line. My honorable friend from California, who was then a citizen of Ohio, I presume was in the State at the time. He knows there was almost civil war. He must remember that the militia of Ohio and Michigan were called out. I was here in the Cabinet of General Jackson. I knew his anxiety. We were all apprehensive that a war might break out.

In reply to Mr. Wade and Mr. Trumbull, who had argued that the admission of Michigan into the Union furnished a precedent for accepting Kansas on the Topeka constitution, Mr. Stewart submitted the following overwhelming argument:

"If the Senator will hear me, I will show him that he is mistaken in every particular. In the first place, the ordinance of 1787 authorized a certain number of States to be formed out of the Northwestern Territory, and authorized their admission into the Union whenever they should have sixty thousand inhabitants. Acting upon that authority, the Territorial Legislature of Michigan, after we had that number of inhabitants and more, passed a law to enable the people to elect delegates to a State convention to form a State constitution. Those delegates were elected, and they formed a State constitution, and submitted the adoption of it to the people of the Territory, and the people adopted the constitution. They elected a legislature under it, and they elected their senators to Congress. The people elected a representative to the other House. They came here, and demanded admission into the Union. All this was done in virtue of the territorial laws of Michigan, acting in virtue of the ordinance of 1787. When they came here, Ohio disputed the southern boundary. That boundary included the mouth of the Maumee river. It had, up to that time, been within the jurisdiction of the Territory of Michigan. It had not been within the jurisdiction of Ohio. All the officers, township and county, justices of the peace, and all others, were Michigan officers down to the southern boundary which we claimed; but Ohio claimed a right to that portion of the Territory. Congress took up the subject, and determined that Michigan should release that boundary, and carry it ten miles further north, as a condition of being admitted into the Union; and they determined that that consent should be given by 'a convention of the people.' That is the language of the law of Congress. They did not say how that convention should be called. They did not say that it should be called by the legislature. They did not say that there should be legislative consent; but they said a convention of the people of Michigan should consent to that boundary. The legislature afterwards called a convention, and that convention rejected the proposition. The people then took up the subject themselves, and they called a convention. That convention accepted the proposition, and that acceptance was sent to the President of the United States. He transmitted it to Congress; and Congress, after full debate, decided that that acceptance was within the terms of its own law. Therefore, you see, sir, that there was not a movement in Michigan, from the beginning to the end, that was not in accordance with the provisions of a law, either of the Territory or of Congress, or of both. Now, here is the Topeka constitution, formed throughout without law from its inception to its end, admittedly by its friends, and yet it is said to be a parallel case to Michigan. I submit that there is not a single circumstance, from its commencement to its end, that is parallel; and I hope (although I confess that I have no ground to hope, from past experience) that it will not be asserted, at least here again, that the case of Kansas and the case of Michigan are parallel."

There are also a few additional features of this Topeka movement which are not inappropriate at this point. They may serve to illustrate the sincerity and consistency of its advocates as the friends of the colored race and the opponents of laws not authorized by a majority of the people.

One is the 1st section of the 11th article of the constitution, to be found on page 631 of the report of the House committee to investigate Kansas affairs, which provides that the constitution shall not be amended or altered prior to the year 1865, nine years after its adoption. The black republicans have indulged in unlimited denuncia-

tions of the laws of Kansas, because a majority of the people did not authorize their adoption, and yet, at the same time, you see they insist upon the recognition of a constitution, *unalterable for nine years*, brought forth in the most informal mode, and unsustained by that great element of authority, the popular will.

Another is, that at the time the constitution was made it was determined to submit to a vote of the people the question of admitting or excluding free people of color from the State; the decision to be binding upon the legislature. The vote on this subject can be found in the report of the committee, between pages 718 and 755, inclusive, showing a decided majority in favor of "exclusion."

On page 645, under the ominous caption of "*Constitutional Proclamation,*" James H. Lane, as chairman of the executive constitutional committee, announces the result of the vote as follows, to wit:

"And I do further proclaim and make known, that of the votes cast at the aforesaid election for and against the passage of a law, by the General Assembly, providing for the EXCLUSION OF FREE NEGROES FROM THE STATE OF KANSAS, the result of such vote to operate as instructions to the first General Assembly—*a majority are in favor of exclusion*, as ascertained by the returns of said election now on file in the office of the executive committee.

"JAMES H. LANE, *Chairman Executive Committee.*"

Here is a specimen of the humanity and liberality of those who are so constantly "shrieking for liberty in Kansas," who are daily shedding crocodile tears over the hardships of the down-trodden negro. They are the advocates of the same provision, resisted in 1819 by Mr. Adams and others, the insertion of which in the constitution of Missouri kept her out of the Union until she repealed it. These philanthropists mean to have Kansas free, indeed—free of colored freemen as well as of slaves! Expulsion of the colored race, bond and free, from the enjoyment of the rich valleys and pure air of free Kansas, is what *they* mean by liberty and equality—the hypocrites.

We have now, fellow-citizens, given you the history and character of the measure which the friends of Colonel Frémont wish you to sustain in preference to the wise and just law passed by a democratic Senate; and we shall await your verdict with confidence. We are entirely certain that you will never sanction a measure so fraught with mischief to our institutions—so tarnished with violence, insubordination, disorder, and fraud, and so unsustained by that great element of governmental power, the will of the people.

DEBATE IN THE SENATE.

We now ask you to read the following remarks of Mr. Toombs, delivered on the 2d of July, in explanation of the character and effect of his bill, and his views and purposes in presenting it. We are quite certain that you will agree with us that they are able, clear, and patriotic, and evince no want of courage or frankness in the author of this great measure of freedom and justice.

Mr. TOOMBS said:

Mr. President and Senators: It was not at first my purpose to add anything to the observations which I made when I gave notice of the bill which is substantially the one

now before the Senate. I have never been under the necessity of making one speech to explain another. Though that was brief, it told plainly what I wanted, what I meant to do, and how I intended to do it. At the same time, I declared my willingness to accept suggestions from those who agreed with me, so as to do these things in the most effectual manner. With that view, I accepted with pleasure the few amendments to the bill proposed by the Committee on Territories, and was obliged to them for correcting my own errors in matters of detail with which they were much better acquainted than myself. Nor, sir, would the motion of the senator from Massachusetts (Mr. Wilson) have altered my determination but for its being seconded by the senator from New York, (Mr. Seward,) accompanied with the assignment of reasons so untenable and extraordinary for his position.

The senator from New York, in a speech delivered some two months since, after recounting the various grievances of the people of Kansas, (which had no other foundation than his own imagination, and the unreliable sources from which he usually derives his information, sustained not by proof but by intrepid assertions,) called upon the Senate, and upon the country, to give peace to Kansas by introducing her as a State, with the Topeka constitution. The foundation upon which he offered that constitution to the acceptance of the Senate and the country was, that it was the voice of Kansas, the will of her *bona fide* inhabitants. He assumed, enlarged upon it, and proclaimed it to the civilized world as a fact, that the voice of Kansas was smothered by invasion, that her true people were overrun and conquered by aliens, that their ballot-boxes were seized and their liberties were trampled under foot by foreigners, and he demanded that you should give justice to Kansas by allowing her people to make their own institutions. When he made that demand, though I admitted none of his assertions to be true, though I denied the truth of every single fact upon which he based his demand, I thought I saw in his demand a basis for a speedy and satisfactory adjustment of this question, if he were sincere in his demand. I had again and again avowed my purpose to allow the people of Kansas the right to make their own domestic institutions, under the organic law and the constitution. I stood pledged to that policy as a public man, a pledge which I have again and again, at this session and at previous sessions, reiterated my readiness to redeem.

Then there was a common point of agreement between us. It was not upon past grievances; for there we differed. It was not upon his allegation of frauds or injuries inflicted on the inhabitants; for those I denied to the extent stated by him and his friends. But we agreed that the people of Kansas should legislate for themselves, without the intervention of force, fear, or fraud. We had but one point to settle—what was the will of Kansas? That senator asserted that the Topeka constitution was the true exponent of that popular will, and as such he demanded its acceptance. He put it to the Senate, the country, and the civilized world, that such was the fact. I did not think he believed it; I do not think so now; but I determined to meet him fairly on that issue, to test the sincerity of these declarations. I was willing to give down-trodden Kansas, if she be down-trodden, a right to make her own institutions, under the constitution, according to her own will. This is the principle upon which I supported the Kansas-Nebraska bill. I stood upon it in no fraudulent or double sense, but as an honest man ready to maintain it in the Senate and before the country, at any time and at all times. I determined to give peace to the country, if this would do it. It was in affirmance and not in derogation of the principles advocated by the friends of the original Kansas bill. I only required one fact to be established: Is the Topeka constitution the voice of Kansas? This is the only question I asked; this is the sole demand I made; this is the sole difference between my proposition and that proposed by the senator from New York. I did not believe he wanted any settlement of this question, and he has since satisfied me abundantly of the truth of that belief. I believe he wanted grievances; I believe he wanted discord; I believe he wanted anything but peace; I believe he wanted nothing but revolution, or a state of things sufficiently near it as to give power to his party. I will offer the evidence of this belief to the Senate and the country. He and his associates told us this same story, with all its variations—the free-soilers, the abolitionists, the two senators from New York, the senator from Vermont, (Mr. Collamer,) and others repeated it. I believe the senator from Vermont went so far as to suppose that nineteen-twentieths, or some other large number, of the Kansas population were all on one side. He told us in his report that Kansas was down-trodden; that the laws made by the legislature were not the laws of Kansas, but were made by representatives of Missouri; that the majority of the people of Kansas abhorred them; that they were imposed on them by force and by fraud.

Mr. COLLAMER. Is the gentleman alluding to me?

Mr. TOOMBS. Yes, sir. In the senator's speech he said the laws were against the will of the real settlers.

Mr. COLLAMER. I said—and I produced my proof by reference to the returns—that the legislature was elected by Missouri votes.

Mr. TOOMBS. And did not represent the will of the people of the Territory?

Mr. COLLAMER. Yes.

Mr. TOOMBS. That is what I stated.

Mr. COLLAMER. I meant simply that a large majority of the votes which created the legislature were cast by people from Missouri.

Mr. TOOMBS. That is what I stated to be the gentleman's position. Then I am not mistaken in asserting that the senator set forth before the country, in an elaborate report, the position that the present government of Kansas was against the will of the people of Kansas; that a large majority of those people were opposed to the laws enacted by the legislature; that a majority wanted the Topeka Constitution; that the majority had been invaded, overridden, trampled under foot, ravished, plundered, imprisoned, murdered—as we have heard to day. I did not believe a word of all this. I did not think those who said them believed them. I intended to apply a test to them which would show whether those senators would act as all reasonable men would who believed their statements; or whether I was sustained in my opinion of their objects, views, and purposes. I submit that point to the American people and the world. The senator from Massachusetts, now absent from his seat, [Mr. SUMNER,] told very much the same story. He spoke of down-trodden Kansas, overridden Kansas, plundered Kansas. He told us that her people had, by a foreign invasion, been deprived of the right which had been promised them—of being allowed to select their own institutions for themselves. However variously ramified, enlarged, painted, or bedaubed, this was the basis, the corner-stone, upon which were built all of their pretended grievances—all of their frantic agonies.

If these things were true, they demanded redress; but the facts being controverted, the first step towards any just measure of redress would be to ascertain the facts—to learn the truth, and then to act upon it—to act promptly, efficiently. The measure which I proposed was founded on that principle. I sought to ascertain the facts in the best possible mode that my own mind could suggest, to the end, that if these alleged wrongs were true, to remove them; and if they were not true, to demonstrate it to the thousands of honest men in the republic who have been deceived and deluded by falsehoods concocted in the Territory, and daily transmitted to the public through congressional speeches and reports, in order to conceal the base metal under the cover of official sanction.

I came forward to offer it, not in a spirit of compromise, as I said to the senator from New York, but in vindication of a principle. I offered it on principles which have been affirmed by the great body of the American people. I did not expect to satisfy bad men on any side. When, four years ago, the present Chief Magistrate was elected—and I believe most of these gentlemen voted for him, or his prominent opponent, General Scott—the people of the United States, with singular unanimity, declared it to be a sound fundamental principle that, when the people of a Territory came to be admitted into the Union, they should be admitted with or without slavery, as the *bona fide* inhabitants should determine. This was affirmed at Baltimore by the democratic and whig parties; it was affirmed by nineteen-twentieths of the American people. Then, without going into controverted questions, as these gentlemen demanded what the democrats and whigs declared to be correct—as they demanded what I held to be the true principle—I felt ready at any moment to grant it. But what did I require? Simply that the fact upon which it all turned should be truly ascertained. I said: "Gentlemen—you the senators from New York, you the senators from Massachusetts, you the senators from Vermont—(whom I had long known, and thought I could safely rely upon for a fair judgment)—if you say the voice of Kansas is for a free State, take what I offer; I present you a proposition to let her have her own free choice forever. If you have spoken truly for her, why do you not take the coveted prize?

When I make the announciation, that I am willing to surrender Kansas precisely in conformity with the will of the nation—in conformity with your own declarations, how am I met? I offer you a pure and undefiled ballot-box. I protect it by all the means which law, backed by force, can give it. I offer the entire military force of this great country to secure to you that inestimable privilege—a free, untrammelled, and uncontrolled ballot-box. How am I met? Instead of a pure ballot-box, the senator from Massachusetts and the senator from New York tender me the cartridge-box. Mr. Presi-

dent, if I believed those gentlemen represented the North, I would accept it and withdraw my bill now. If I believed the people of the free States were ready for that issue, before God and my country I would not shrink from it. I am content to accept it whenever the North offers it. I present no compromises; I present principles; but I do not know what claim either of those gentlemen has to speak for the North. I see around me able, patriotic, and venerable statesmen—some of whom have for fifty years, in peace and in war, been honored and trusted by the North, by the South, by mankind. They give me a different account of the North. The representatives of millions of northern freemen, from every State, county, and town in the non-slaveholding States, met in council with their countrymen of the South four short weeks ago. I consider them better witnesses of the feelings and wishes of the North than the black republican and abolition senators on this floor. In regard to the senator from New York, to my knowledge, for the last ten years, all parties have dreaded nothing he would do or say so much as the odium of his alliance. I deny their right to speak for the North.

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We next call your special attention to the following extracts from speeches delivered in the Senate on the 9th of July, pending the question on General Cass' motion to print twenty thousand copies of the Senate bill for circulation. They are selected in the order in which they were delivered, and will serve still further to illustrate the noble and just position of the democracy, as well as the inconsistencies and absurdities indulged in by the opponents of the bill:

Mr. Toucey. Mr. President, the House of Representatives has passed a bill for the admission of Kansas into the Union upon the so-called Topeka constitution. The Senate, not satisfied with that pretended constitution, on the ground that it was a mere partial revolutionary movement—that it was against law—that it was adopted by only a portion of a party which had no power to act for the people of Kansas, or to impose on them a constitution, have submitted a proposition and passed it, by which the question shall be submitted to the *bona fide* settlers of Kansas, and a constitution formed, if they see fit to form one. The bill which was passed by the House of Representatives, and sent to the Senate, has been amended by substituting the bill of the Senate, and sending that to the House; so that the issue is made between the majority of the Senate and the majority of the House of Representatives, upon one point only—namely: whether a constitution fairly formed by the whole people of Kansas, in the manner provided by the Senate's bill, is to be preferred over the revolutionary constitution which was attempted to be made at the Topeka convention.

Now, sir, I desire that this bill of the Senate—which is so just and fair in itself—which provides against every evil, so far as I can judge, that has been complained of—may be spread before the country in the fullest manner for the information of the public; and I know of no mode in which it can be done so effectively as by sending out the bill itself without note or comment. Let the people judge, from an inspection of the bill itself, whether we ought to have adopted it—whether we, who originally proposed to leave the whole subject of their domestic institutions to the people of Kansas, intend to carry out that measure in good faith. For one I was committed to that measure at the outset, and I intended that the people of Kansas, fairly and freely, without any external interference from any quarter, should, as every State does, and as every community has been accustomed to do from the first settlement of this country down to the present time—exercise the right of self-government, and decide for itself upon its own domestic laws and institutions.

Sir, I wish to appeal to the people of the country, by the bill which we have presented, and now again present to the House of Representatives, both as an original proposition, and as an amendment to their bill—whether we do not now propose to carry out that doctrine fairly and truly as we avowed? I desire no better vindication of my course than that the people shall read this bill. There was only one objection to it, and that was the want of numbers; but the House of Representatives has waived that objection, and we have waived it. We do so on the ground of the difficulties now existing in Kansas, and we apply a remedy. That remedy is, by the action of the *bona fide* settlers, forming a constitution for themselves without external interference, and we mean to uphold them in their right to form their own constitution, and to establish their own do-

mestic institutions, as every State in the Union now does, and has hitherto been accustomed to do.

As I said before, I wish this bill to go to the American people. It has been misrepresented; it is now grossly misrepresented. Instead of taking the misrepresentation, I wish the bill to go to the people, that they may see what it is, and that intelligent men everywhere may understand what it is.

Mr. FESSENDEN. Will the honorable senator allow me to ask him in what particular it has been misrepresented?

Mr. TOUCEY. Misrepresented, sir! It is represented as a mere slave measure; it is represented as an unfair measure; it is denounced and misrepresented as designed for other purposes than to secure to the *bona fide* settlers of the Territory the right of self-government; and there are thousands who will never know, until it is too late, what is the true character of this bill and what are its provisions. I desire that the bill may go before the people at the north, and throughout the whole north, that they may see and know who they are who are disposed to leave it to the people of the Territory to govern themselves, to make their own laws, to establish their own institutions, and who propose a different and an opposite course. * * * * * * *

Mr. WELLER. I do not desire to engage in the discussion of the merits of the bill; I only wish to say a word in regard to the publication of it. I am very glad to find that the senators from Ohio and Massachusetts are willing to print twenty thousand extra copies of the bill in order that the people may understand precisely the position which the majority of the Senate occupy on this question. The senator from Massachusetts certainly must know that this bill has been shamefully misrepresented—I do not say by any senators here, but by the public press of the country—and I am satisfied from what I have seen, that there are really some very intelligent editors in the country who do not comprehend this question, who do not understand this bill as it has been passed by the Senate. Why, sir, the misrepresentations of the public press are of such a character that no public man dare now go before an assembly and read a newspaper as authority. I grant you, this bill will be published in the newspapers; but where will you find a public man who will risk his reputation by reading a newspaper as authority to sustain any fact which he may affirm? I know that in the State of Ohio no public speaker dare allude to a newspaper as authority for any statement he may make. Therefore it is that I desire to get this bill in an official form. It will then be a document which cannot be controverted. The public press very often misrepresents senators. They have even gone so far as to say that the senator from Massachusetts the other day, in a public speech which he made in the city of Philadelphia, declared that Mr. Buchanan had affirmed that, if he had a drop of democratic blood in his veins, he would let it out. Now I am sure that it is a misrepresentation of the public press. The senator from Massachusetts is an intelligent man, and never could have uttered any thing so destitute of truth as that.

I only allude to this to show the misrepresentations of the public press, not only as to public men, but as to public measures. We desire, on this side of the chamber, that our position shall be understood. Let the people read the bill, and my word for it they will never give such a construction to it as has been given to it by the senator from Ohio, (Mr. Wade.) At all events, let it go out. We shall meet them at the ballot box; we shall argue this question there; and if the judgment of the people be against it, we shall submit. We shall not threaten revolution, as some of the leading newspapers on that side have done. We shall not threaten force and violence. We shall threaten another appeal to the ballot box at some other time.

Mr. BIGLER. Mr. President, I have listened to the remarks of the senator from Massachusetts with surprise. He has gravely inquired for the time and occasion when the bill (which it is proposed to print) was misrepresented. Why, sir, there can be no difficulty in answering that question. He has done so himself. Immediately after making the inquiry, the honorable senator asserted, with great earnestness of manner, that the intention and purpose of the bill is to carry out the work already commenced by the border ruffians of Missouri! Will the senator say that such statements are not a palpable misrepresentation of the measure? Will he pretend that the language of the proposed law justifies any such conclusion? What feature of the act has brought the senator to the belief, that the intention is to carry on the work of usurpation, fraud, arson, and murder, which he has told us has been begun in Kansas? What language in the bill looks to a work of that kind—that justifies, invites, or countenances it to the slightest extent?

Now, sir, when this measure was first under consideration, the senator made a statement similar to that which he has dropped this morning. He then said the intention

was to bring Kansas into the Union as a slave State. Will not such statements be picked up by the press in his part of the Union, for the purpose of creating the impression that there is some hidden purpose in the bill calculated to do injustice to a portion of the people of Kansas? And yet the senator manifests surprise that misrepresentations should be anticipated.

Now, sir, I assert, unqualifiedly, that the bill intends no such purpose as that imputed to it by the senator from Massachusetts; and I ask him to point to the section or clause that justifies his assertion. Its language and purpose are clear, so much so, that the wayfaring man cannot misunderstand it. It simply intends that the people—the *bona fide* citizens, now in Kansas, shall, by the expression of their will, uncontrolled, decide the question of slavery for themselves—shall determine whether they will have the institution or not. Is this not fair? Have we not been told by both sides, that they ask nothing more? Is not this in accordance with the spirit of the organic law?

But we are next told by the senator from Ohio, that if a little more time had been given for the organization of the State under the bill, it would have been more acceptable. This is extraordinary logic to come from those who insist upon the admission of Kansas, immediately, on the Topeka constitution; a measure adopted when the population was far less than at present, and which, on the face of the proceedings connected with it, only purports to come from a portion of the people—those not content with the territorial government. Again, he alleges that a certain class of the inhabitants have been driven out. The honorable senator is certainly aware that the eleventh section of the bill, as passed by the Senate, makes a provision, that all those who at any time had been citizens of the Territory, and had left, temporarily, because of the bad condition of society, or for any other reason, shall have the right to return and participate in the election.

Mr. WADE. Does this bill give any additional right to the people to return there? Have they not a right to go there whether your bill passes or not? Is there anything gained by it?

Mr. BIGLER. Certainly the people can return to the Territory, whether the bill passes or not; but that is not the point. The senator knows that the 4th day of July, 1856, is named as the time when the bill shall take effect. Those who are citizens at that time are to have the right to vote for delegates. The senator, and those acting with him, objected to this feature, alleging that the free State party had been driven out of the Territory, and therefore the tendency was to make Kansas a slave State. This objection was promptly met by a provision from the committee, which I have just described, that all who had left could return and participate in forming a State government. The commissioners appointed to superintend the election are directed to enter the names of all such on the list, and permit them to vote for delegates; so that all the qualified voters who were in the Territory at the time the Topeka Constitution was made, and all who have at any time made their residence there up to the 4th of July, 1856, will have a part in making the constitution. Surely, Mr. President, no man who advocates the Topeka constitution can consistently object to this bill on the ground that all the citizens are not to participate in carrying out its provisions. Any objection to the Senate bill on that point will apply with destructive force to the Topeka movement.

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It is most extraordinary, Mr. President, that we should be lectured—no, I will not say lectured—but edified from the other side, on the necessity of order and form in our movements—that we should not attempt suddenly to force a measure on the country which is not intended to accomplish the end which appears on its face, and at the same time be urged to sanction the Topeka constitution, a step which all must agree was taken, not only without authority of law, but in derogation of all law, and which progressed in menace of the government, at every step, and which has been marked by violence and disorder in every stage of its emanation.

Now, sir, I wish to say to the senators from Massachusetts and Ohio, very distinctly, that when they describe the tendencies of the bill as forcing slavery into the Territory, and as perpetuating the work of the border ruffians—if they mean to say that I seek to produce such consequences, they misrepresent my motives. I simply intend that the *bona fide* citizens of Kansas shall, without dictation from any quarter, decide the question of slavery for themselves. This is all the bill intends, or is calculated to produce. I have liked this measure from the beginning, because I thought it contained the elements of peace and quiet, together with those of perfect fairness to all; its leading idea being the prompt termination of the contest as to the local policy of the Territory touching the institution of slavery. We have been told by the other side that there was no remedy

for the state of society in Kansas but her prompt admission into the Union as a State, and this is what the bill provides for. We have been told, also, by these gentlemen, that they had no confidence in the local government of Kansas—that it was controlled by the slave power entirely—that free State people were driven from the polls. In order to meet this objection, an independent organ has been provided, to administer the provisions of the law—a board of five commissioners, to be taken from both sides, and who, I trust, will be able and pure men, and who are to be clothed with ample power to protect the ballot-box against aggressions from Missouri or any other quarter. They can even call in the aid of the military to accomplish this end. Now, sir, I am not to be misunderstood on this subject of intrusions from Missouri. I countenance no such. I have uniformly discarded and condemned them. I seek only a fair and free expression of popular will.

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But we have been exultingly told that we have abandoned the doctrine of non-intervention by the bill. I do not intend to argue this point at length. The senator from Michigan, when the bill was under consideration put that allegation down. I certainly do not intend to impair the doctrine by any act of mine, for I intend it shall be a finality on this subject. But I can see a very clear distinction between annulling laws clearly unconstitutional, and in violation of the letter and spirit of the organic act, and a law of Congress dictating or interdicting a local institution—saying that the people should or should not sell ardent spirits—that they should or should not hold slaves. It should be observed, again, that the proposed action has special reference to the preparation of Kansas for admission as a State, and not to her policy as a Territory. I am aware, Mr. President, that some features of the bill look like interference; but the Kansas-Nebraska act declares that the action of the local legislature shall be confined to rightful subjects of legislation. Will it be pretended, then, that interfering with the right of free discussion is a rightful subject of legislation? I do not care to raise the question of congressional power, for I hold that, however the question may be decided, it is politic for Congress not to exercise the right to interfere with the question of slavery in the Territories.

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In conclusion, Mr. President, I wish to repeat that the vitality of this bill is found in that feature which so promptly terminates all motive, on the part of outsiders, to force a temporary population into the Territory for the purpose of shaping its policy on the subject of slavery. So soon, then, as the bill shall become a law, that feature will take effect. Thereafter it will be idle for the advocates of slavery on the one hand, and the enemies of the institution on the other, not residents, to continue their efforts and excitement. I seek to adopt a measure of peace; and much as I dislike the precedent for the admission of States with very small population, I am willing to forego this, because I think the exigencies demand extraordinary measures. But I cannot vote for the admission of Kansas on the Topeka constitution. It would be the recognition of violence—of usurpation, and because it would be unjust to a portion of the people—would countenance revolution, attempted without any previous application for redress—for the Topeka convention took the subject into their own hands, without asking redress at the hands of Congress at all. Both sides have invited the proposed measure by seeking early admission into the Union, and I have no fear of the result; the provisions of the bill will be embraced. The senator from Massachusetts [Mr. Wilson] has said that the consequences will be to bring Kansas in as a slave State; and yet that senator has uniformly claimed, as have all on the other side, that three fourths or nine tenths of the people of Kansas are for a free State, and I have shown that all who may have left have the opportunity to return. Up to the introduction of this bill we have been told by the other side that all they desired was a fair expression of the will of the people. This bill will afford an opportunity for such expression, and those who oppose it must take the responsibility. I shall vote for the motion to print.

Mr. DOUGLAS. I shall not detain the Senate long. The excuse heretofore given for resisting the law and shooting down the officers of the law in Kansas, has been that the same legislature which made the Kansas code passed two or three statutes which the resistants did not like—statutes invading the liberty of the press and the freedom of speech, and imposing certain tests for voting and for jurors. It was said that these particular laws were barbarous and monstrous—that a free people should not submit to them, and that, whilst such laws stood on the statute book, they were justified in resisting the constituted authorities of the Territory. Well, sir, the Senate has passed a bill

which declares all such obnoxious provisions or laws in the Territory null and void. Every statutory provision which has been given as an excuse for resistance to laws, has been blotted out. What excuse now have you for getting up rebellion, and riots, and bloodshed, and house-burnings in Kansas? If now you resist the law, you are resisting statutes that are acknowledged to be proper and wise—those which punish murder, and house-breaking, and robbery, and those crimes that are punished, and ought to be punished, in all civilized communities. What excuse have you now for resistance to the law? Do you say that the murderer should not be punished, because you do not believe that the legislature was fairly elected which made the law against murder? Are you going to rescue the thief because you do not like the legislature that passed the law against larceny? The obnoxious laws are gone, and the senator from Ohio [Mr. Wade] laments that they are gone. He laments it in his speech, and I have no doubt laments it in his heart. The material out of which political capital is to be made is gone.

Gentlemen have been kind enough to say that the object of this bill is to make a slave State in Kansas. I show them that by the provisions of the bill its object is to allow the people to make just such a State as they wish. The Senator from Maine (Mr. Fessenden) says he has a right to go a little behind the face of the bill, and give his opinion that the object is to make Kansas a slave State. Conceding that right, and acting upon it, I have a right to come to the conclusion, that all these gentlemen want is to get up murder and bloodshed in Kansas for political effect. They do not mean that there shall be peace until after the Presidential election. They sent their partisan agents to get up rebelion, to commit crime, to burn houses, and then their newspaper agents are to report these acts here, and charge them on the border ruffians. This whole game of violence there, and the publication of it here, is done by the one and same set of men—done for political effect. It is a part of their game. They do not mean that there shall be peace. Their capital for the Presidential election is blood. We may as well talk plainly. An angel from heaven could not write a bill to restore peace in Kansas that would be acceptable to the Abolition Republican party previous to the Presidential election (Laughter and applause in the galleries.)

The Presiding Officer, (Mr. Foot,) order.

Mr. Douglas. The Senate has passed and now propose to print a bill no man on earth can pretend is not fair, just, and equitable in all its provisions. Even the most hardened partisan does not pretend to say the bill is unfair. Then why not go for it? They say there is something beyond it. The Senator from Vermont (Mr. Collamer) says he must look at the cause of the difficulty, in order to provide the remedy. But if this bill is a fair one; if its provisions are such as will insure a true expression of the popular voice of Kansas, why not agree to it? You say you do not like the cause that produced the difficulty in Kansas. Nor do we. We believe that you originated all the difficulties, and are justly responsible for the consequences; we believe your Emigrant Aid Society was organized for such purposes. We believe there never would have been any trouble in Kansas but for your efforts, and that they were for political objects. Still, you have brought these difficulties upon Kansas, and we have to deal with the facts as they are. We have to deal with existing facts. Shall we refuse to remedy the evils because we feel and know that you produced them; or will you refuse to remedy the evils because you charge the origin of them on us? We are bound as honest men and patriots to apply a remedy to the evils, no matter from what quarter they may have originated.

Then, sir, if it be an evil to have laws in force infringing the freedom of speech in the Territory, why not join with us to pass this bill, which obliterates those laws? If it be an evil of such magnitude as to justify rebellion and bloodshed to have the test oaths in the Territory, why not join with us in blotting them out? If there be such evils as are portrayed in Kansas, why not join us in applying the remedy? No; you vainly hope that you can make the people believe that the Democracy are responsible for the consequences of your own acts, and thus gather political capital from the blood of your fellow-citizens, if violence can reign and the excitement last until the Presidential election. Hence, law must not prevail—life must not be safe—property must not be secure—peace must not be restored in Kansas, if the Abolition Republican leaders can prevent it until after the election. You mistake, if you suppose the people will not be able to understand this scheme.

When we present you with a fair bill designed and calculated to have a fair election, if you are willing that there should be a fair election, why not join us in passing the bill? Your excuse is, that the free State men have all left Kansas, and that there is no hope or expectation that they ever will return. If, for the sake of the argument, the truth of this position should be granted, would that fact furnish sufficient reason for

denying to the actual inhabitants of Kansas—those who intend to remain and make it their home—the right of living under a constitution and laws of their own making? By the terms of the bill, all who have left have the right to return and vote at the election. If they do not return and make Kansas their home, and vote at the election, it will be their own fault or choice. But is it true, in fact, that the great body of the free State men have left Kansas? If they have, and if it be true that they will not go back, do you propose to give effect to a constitution which they made, and to which they will not return and live under? If your statement be true that they have all left, you have got a constitution which nobody in the Territory is in favor of—a constitution to govern a people, all of whom are against it—a constitution in the making of which nobody there participated. If your statement be true that those who made the Topeka constitution have left and gone to parts unknown, and cannot be induced to return, with what propriety or truth can you say that the constitution ought to govern a people who are opposed to it, and had no voice in making it? But why talk about the free State men, or any considerable portion of them, having been driven from the Territory? If the newspapers are to be believed, a few have left on both sides, and probably in about equal proportions in respect to numbers.

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Then, I ask, what cause of complaint is there, that the free State men have left the Territory? How long is it since this cry has been raised? The whistle was sounded by the leader (Mr. Seward,) and every one repeated it like a parrot. Up to the moment this bill was submitted to them—up to that very instant of the time—the leader said, and every one repeated it, that the free State men were in the ratio of ten or twenty to one to the pro-slavery men of Kansas. You all affirmed the statement, and repeated it over and over again in your speeches, as a reason why Kansas should be admitted with the Topeka constitution. You all averred that the Topeka party comprised a vast majority of the inhabitants of Kansas—some of you stating that a majority ten to one, while others estimated it at twenty to one; but all agreeing that there was an overwhelming majority in favor of a free State, and for that reason, insisted upon the admission of Kansas with the Topeka constitution. You affirmed the truth of this fact up to the very hour that the Senator from Georgia gave notice of his proposition to ascertain, by a fair election, the real opinions and wishes of the people of Kansas, when suddenly you all changed your tune, and declared that such a law would result inevitably in making Kansas a slave State. How could such a bill make Kansas a slave State, if a majority of the people were opposed it? It is admitted on all hands that the bill is just and equitable in all its provisions, and provides for a fair and impartial election. Your argument was, that Kansas should be permitted to speak; that her voice should be heard; her will obeyed, by allowing her people to have such a constitution as nineteen twentieths of them demanded. You said it was a great crime against Kansas, to compel the majority to submit to the minority; that a free people would not submit, and ought never to submit, to a system of laws forced upon them in opposition to their wishes, and regardless of their rights under the organic law to decide the slavery question for themselves.

Now, when we propose to permit Kansas to speak, and to speak her own voice, uninfluenced and unawed by any foreign power, or any other power than their own free will, your excuse for denying them the right of making their own fundamental law, is that your friends have been driven out, or they are imprisoned! Imprisoned! for what? You give us to understand that they are all in prison for violating the law abridging the freedom of speech and of the press. Bear in mind—and I have had to remind you of it several times this session—there has never been one of your men imprisoned for a violation of either one of the obnoxious laws of which you have complained. If it be true, as is now said, that they are in prison, and under arrest for a violation of any one of those laws, this bill abrogates those laws, and thus releases your prisoners. There is no lawyer who will deny that a bill repealing a penal law without a reservation as to pre-existing offences, dismisses the indictment, and releases the prisoner. It is a general jail delivery of the whole Territory as to any crime or alleged offence under any one of those obnoxious laws which you say ought not to be in force. Then what comes of your complaint that your men are all in prison? If they are in prison, they are not there for violating any one of those obnoxious laws. If they are in prison, they are there for larceny, for murder, for robbery, or for some other crime, punishment for which is usual and proper in all civilized communities. They are not in prison for violating any law abridging the freedom of speech, or the liberty of the press, or any other right

held sacred in any Christian country. I repeat that all laws of which you complain have been declared null and void, as being contrary to the true intent and meaning of the organic law, and the Constitution of the United States.

Then what becomes of your objections to this bill? You are driven back to the flimsy pretext that it is a bill to make Kansas a slave State, and is so designed—yes, "designed" is the word. The bill provides that it shall be a free State, if there are a majority of the people for making it a free State, and a slave State, if a majority are in favor of its being a slave State; yet you say it is a bill to make Kansas a slave State. This allegation cannot be true, and you cannot believe it to be true, unless a majority of the *bona fide* inhabitants are opposed to the Topeka constitution, and in favor of making Kansas a slave State. Do you pretend that there is a majority there in favor of a slave State? If a majority of the *bona fide* inhabitants are in favor of a slave State, they have the right to make it so; and it is our duty to receive it into the Union either with or without slavery, as they shall determine. The will of that people fairly expressed, honestly embodied in their constitution, ought to be the fundamental law of the new State.

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I have a word to say on the subject of popular sovereignty, inasmuch as the gentleman from New Hampshire has brought it into the debate. He certainly could not have been here the other night, or else he is very forgetful, when he says the doctrine is now abandoned—that the legislature of a territory has the right to legislate on the subject of slavery, in obedience to the Constitution. Did not the senator from Michigan [Mr. Cass] affirm that right in debate the other night? Did not the senator from Connecticut [Mr. Toucey] vindicate that right in the same debate?

Did not the senator from Ohio [Mr. Pugh] avow and defend the same doctrine? Did I not do the same thing in that debate, in language so explicit and unequivocal that no man can be excused for misunderstanding? Did not every senator on this side of the chamber, without one exception, who spoke on the subject, distinctly avow and defend the same doctrine? And yet, in the face of all these avowals in the last debate which has occurred on the subject, we are told by the senator from New Hampshire [Mr. Hale] that the doctrine is abandoned. Abandoned! when, and by whom? Certainly not by its advocates. The doctrine was unanimously affirmed by the National Democratic Convention at Cincinnati, and now forms a fundamental article in the creed of the party as officially promulgated. This is all I have to say upon that point. The senator says he is in favor of popular sovereignty so far as to allow the people of each Territory to decide the slavery question for themselves when they form a constitution preparatory to their admission into the Union. I am glad to hear this avowal. I am sure it will astonish his political associates as much as it does his opponents. He complains that I should have intimated that he and his political friends were opposed to allowing the people to decide the question for themselves when they seek admission into the Union. I did suppose that the unanimous and determined opposition of the whole abolition party, including the senator himself, to the bill under consideration, justified such a declaration.

The whole object of the bill is to protect the people of Kansas in the undisturbed exercise of their right to form a constitution to suit themselves, and to come into the Union with slavery, or without it, as they shall determine in their constitution. If he and his party really believe in the doctrine which he now avows, he and they are bound to vote for the bill under discussion. Sir, if he is in favor of allowing each State to come into the Union with or without slavery, as it pleases, he belongs to a political party whose creed declares "no more slave States" in this Union under any circumstances. Your party is pledged never, "as long as the sun shall shine, or water shall run, or grass grow," to admit another slave State into this Union, whether the people want slavery or not. Is not that the position of your party?

You run a candidate pledged to do an act which you deem it unfair and unjust for us to charge on yourselves. You belong to and cooperate with a party unanimously pledged to do an act which you

admit to be unconstitutional. Your party stands pledged, by every obligation which can bind men's honor, never to admit any more slave States, while you declare on the floor of the Senate that every new State has a right to come into the Union with or without slavery, as its own people shall determine for themselves. If you hold the sentiments which you now declare, you cannot and dare not vote for the Republican ticket, which is pledged against that very principle; nor could you be in favor of the restoration of the Missouri restriction, which prohibited slavery, not only while a Territory, but "forever," in the country over which it extended. So much for the views of the senator from New Hampshire on popular sovereignty!

But the senator says I have charged him with certain crimes, and he is grieved that I should have supposed he could be guilty of such grave offences. The charge consists in my having held him responsible for the natural consequences of every speech he has made in Congress during this session, if not for several years past. We were told yesterday, by the same senator, that it was but fair and legitimate to hold a senator responsible for the natural consequences of his own acts. Here is what he said:

"The senator from Illinois complains that it has been represented that there was an intention, a desire, a purpose, by the legislation of Congress, to make Kansas a slave State. Mr. President, I have been educated to believe in the wisdom of that maxim of the common law which says that a man intends the natural consequences of his act. It is not for a man to take a gun and fire into a crowd, and say he did not mean to hurt anybody. The law says he intended the natural consequences of his act."

Following that line of argument, the senator assumed the responsibility of charging me with the personal intention of creating a slave State in Kansas in direct contradiction to my own language on this floor. He had heard me deny that such was the intention of the bill, or of those who voted for it. He had heard me declare that the intention was to leave the people there free to form a slave State or a free State, as they should see proper; but in the teeth of my declaration, and in direct opposition to the terms of the bill, he took upon himself to charge me with an intent to do what he thought would be the result of the act. Now, when I, in turn, apply his own process of reasoning to him, and prove that if his reasoning be true he is guilty of every crime that has disgraced humanity in Kansas, he objects to the application of the rule. He is not willing to be held responsible for the natural consequences of his own action. He is not willing to be judged by the same rule which he professes to be fair when applied to others. Yet he must submit to the application of that rule to himself, or withdraw all he has said against us.

The senator from Maine, this morning, repeated the same declaration of his belief; so did the senator from Massachusetts. Do they expect that we will allow them to attribute designs to us in direct contradiction of our express language, and we refrain from holding them responsible before God and man for all the life that is taken, and the blood which is shed in pursuance of the line of policy they have worked out for the presidential campaign?

We show them that their intentions may be questioned, and mo-

tives impugned, as well as ours. This system of violating all the rules and usages of debate by impeaching senators' intentions, contrary to their declaration, they will find is not a pleasant business. I have never impugned a senator's motive except in self-defence, or just retaliation. In this sense I do say, without the least hesitation, that every crime committed in Kansas, every act of violence perpetrated in the Territory, has resulted naturally as the legitimate consequence of the speeches and action of the free-soil senators in this chamber. In your speeches you have told the people of Kansas that the legislature was an unlawful assemblage; that their enactments were not valid laws; that the people were under no obligation, moral or legal, to obey the local laws of the Territory; that the officers appointed to execute the laws had no rightful authority to do so; and that both officers and the laws might be resisted, even unto death, without incurring any responsibility or punishment.

That is the fair construction of every speech you have made. You have, by your speeches, advised bloody resistance to the law and its officers. You now complain that, in making that resistance, blood has been shed and life has been taken. If so, the blood has been shed and the life taken under your direct advice; it is the legitimate consequence of your own acts. Then, when I charge upon you as a party all the consequences of those bloody acts which have stained the history of Kansas, I only charge that which is and was the inevitable consequence of the speeches you have made and the course you have pursued.

Mr. FESSENDEN. Will the Senator state who has made any speech advising bloody resistance? I am not aware of any such. I have made no speech on the subject myself, and therefore the remark does not apply to me; but I have not heard any speeches of the kind.

Mr. DOUGLAS. Each one of the speeches which I have heard from your side of the Chamber has been calculated to encourage and excite resistance to the laws of the Territory.

Mr. FESSENDEN. That is your inference from the speeches.

Mr. DOUGLAS. Yes; and it must have been the inference, also, of every impartial man who has listened to the debates. Denunciations of the legislature of the Territory, and of its enactments, and of the officers of the law, together with eulogies upon the heroic people of Lawrence, and praises of the gallant free State party, have constituted the materials out of which nearly all of your speeches have been manufactured. The fact can neither be denied nor concealed, that the tendency of all such speeches was to stimulate and encourage rebellion against the laws, and resistance to the officers of the Territory. No crime has been perpetrated, no act of violence committed, which cannot find its justification in the speeches of senators. It is difficult to conceive for what purpose those speeches were made, unless it was to excite resistance to the laws of the Territory, and to convince the people of the United States that those laws ought to be successfully resisted. Thus you all counselled violence, and violence resulted from your counsels. It affords me no pleasure to speak in

terms of severity of senators; but it is time they learned that they cannot assault me, or question my motives, with impunity.

Mr. President, the senator from New Hampshire has spoken of that great landmark of freedom, the Missouri compromise, which was so sacred that the denunciations of the Bible would rest upon any man who had ever committed the profane act of assisting in its removal. While the senator was pouring forth his eloquent denunciations on the heads of those who have removed the landmark, I sent one of the pages to get me a copy of a speech made by that senator during the discussions of the Compromise measures of 1850. I have the speech before me, and I will read what he then said of the Missouri compromise, and see how far it sustains the sacred character which he now attributes to that measure:

"Mr. HALE. I wish to say a word as a reason why I shall vote against the amendment. I shall vote against 36° 30′ *because I think there is an implication in it.* [Laughter.] I will vote for 37° or 36° either, just as it is convenient; but it is idle to shut our eyes to the fact that here is an attempt in this bill—I will not say it is the intention of the mover—to pledge this Senate and Congress to the imaginary line of 36° 30′, because there are some *historical recollections connected with it in regard to this controversy about slavery.* I will content myself with saying, that *I never will, by vote or speech, admit or submit to any thing that may bind the action of our legislation here to make the parallel of* 36° 30′ *the boundary line between slave and free territory.* And when I say that, I explain the reason why I go against the amendment."

When the question was presented for consideration whether 36° 30′ should be maintained as the dividing line between freedom and slavery, as the senator calls it, he represented such a dividing line as the worst of all modes of settlement that could be devised. Then he told us with eloquent tongue, and in bold language, appealing to God for the sincerity of his vow, that never would he, by act or speech, recognize the propriety of the line of 36° 30′. Now, when he thinks he can make a point on a political opponent, he speaks of that great covenant of peace, 36° 30′, and of the terrible condemnation threatened by Divine authority on men who remove the landmark, referring to 36° 30′, as a sacred monument between freedom and slavery. I ask him now, if he does not tremble lest the judgment of that just God, whose vengeance he has implored on us, will rest upon himself, for having first derided that measure, which for partisan purposes he now calls sacred? It does not become the senator from New Hampshire to arraign me for having abrogated the line 36° 30′.

While speaking of the territorial laws, condemning many of them, and conceding abuses in the elections for members of the legislature, Mr. Stuart, of Michigan, presented the following views as to the binding effect of the statutes, to wit:

I hold the doctrine in respect to those laws to be this: laws enacted by a legislature elected according to the forms of law, and placed upon a statute book by *courts* and be *executive officers* throughout this whole country, are to be regarded as binding laws, and it is their duty to execute them. It has been decided by the highest tribunals in thy States and the United States, that no court can go behind the law to see whether it was fairly passed or not, and no executive officer called on to execute the law can be permitted to determine for himself its validity. Then, when Senators on this floor have told the people of Kansas from this high place that they were justified in resisting those laws, they have told them what courts, acting in obedience to laws and constitutions, have determined to be criminal ever since civilization began. And yet they say they are not responsible! Men stand here in their places and say to the people of Kansas: "These laws have been forced on you by the people of Missouri; they are irregular; they are of no binding effect, and you are justified in their resistance;" and yet they "wash their hands of all the evils that exist in Kansas."

When it comes to a congressional question, in my judgment it is quite another affair. The authority of Congress put that Territory in a condition to be organized; and if Congress are satisfied that that organization has been irregular, fraudulent, and void,

they possess the power clearly and beyond dispute to right the evil and afford a remedy. But, sir, the President of the United States and every executive officer, the Supreme Court of the United States and every judicial officer, is bound to regard those laws while they stand, as the existing *bona fide* laws of the Territory, and they are to be obeyed.

In reference to the character of the bill and the objections made to it, the same gentleman presented the following cogent remarks:

It is presented, therefore, in the existing excited condition of the country, and in the lamentable condition of Kansas, as the only remedy that it is possible to pass. And how is it objected to? Every Senator who has spoken on the other side has acknowledged that upon its face it is a good bill, and that if it could be carried out according to its own terms and provisions, it would execute a good purpose—it would heal the difficulties in Kansas, and reduce things to order and harmony throughout the country. Now, I say to my honorable friends here—opponents as well as those who think with me—that whenever any man ventures opposition to a bill on the ground that it is to be dishonestly executed, it is an argument which subverts the foundation of all law. Human ingenuity cannot pass a law which is to be effective, if it is not to be honestly and completely executed. If you assume that the courts of the country, the President and the executive officers of the country, will not execute your laws, then you may abandon legislation upon this, and upon all other subjects. I go for this bill upon the belief and upon the expectation that, like all other laws, it will be honestly executed and carried out; and the surrounding circumstances of the country, so far from permitting me to leave them as they are, urge me to forgo the personal wishes which my friends know I had in respect to some amendments to that bill, and to give it my hearty and my full support.

Mr. Pugh concluded a very able discussion of the whole subject with the following cogent and convincing argument in favor of the Senate bill:

The Territory of Kansas is now convulsed by civil war. These Senators themselves proclaim the fact. They represent it as worse, much worse, than I have seen reason to believe. They tell us that the people—our fellow-citizens—men, women, children—are in a condition of horrible distress. What remedies are proposed? None sir, that can be effectual, or satisfactory, except the bill to which the Senate has given its approval. Will those senators defeat the bill? Will their partisans in the other House reject it? I adjure you to consider the consequences. Do you desire peace in Kansas? Do you wish to have a fair election? Do you intend to allow those inhabitants their undoubted rights as American citizens? Then assist in the adoption of the Senate bill. There is nothing else. If you do not assist—if you defeat that bill—if you prolong the sorrowful condition of Kansas—if you stimulate this unnatural controversy to greater lengths—then, I tell you, the curse of every crime which may henceforth be committed there—the blood of every man who may be slain—the honor of every woman who may be violated—will rise up in judgment against you. I will not now make the charge—although as a retort, it would be justifiable—that you desire a continuance of this anarchy, public distress, and civil war, in order that you may influence the results of the presidential election. That, however, is a question for the country at large; and I shall endeavor, in my humble sphere, to make the country understand and appreciate it.

Here is the substantive proposition: That with all the safeguards suggested in either House of Congress, an election is to be held in Kansas—a State government formed—and peace happily restored. What is proposed on the other side? First, the senator from Illinois [Mr. Trumbull] wishes to abolish all the laws of the Territory at once, and thus legitimate the outrages, the bloodshed, the anarchy, which he pretends to deplore. Second, he and his political associates offer to subjugate the citizens of the Territory to a constitution which they never ratified, which was formed without authority of law—and which modestly declares itself unalterable, in any particular for nine years.

Let the people of the United States consider such an issue—ay, sir, let them *decide* it. This involves everything connected with our government, which is worthy of consideration. If passion, prejudice, fanaticism—aided by all the modern arts and adjuncts of falsehood—can so mislead the American people that they will not distinguish good from evil—will no longer respect the fundamental principles of their own government—will

rashly mutilate that sacred compact, THE FEDERAL CONSTITUTION, in which all the securities of our Union, our peace, our liberty, our happiness reside—it is of little consequence who may be the next President, and whether Congress should ever again assemble. The experiment of popular institutions will have utterly failed; for, without patriotism, intelligence, virtue, and self-command, a popular government must fall into confusion and despotism at last.

In any event, Mr. President, I can do nothing more. I have sacrificed every scruple, every minor consideration, to an ardent desire for peace. I have gone to the extremity of concession. I have agreed to whatever is honest and fair; and I am yet willing to vote for any amendment or scheme of that character which can be suggested. If the opposition will not meet us in this spirit—if the Senate pacification bill should be rejected by the House—I must discharge myself henceforth of all responsibility as a senator and a citizen. I shall have performed my duty to the uttermost; no blood will be upon my skirts, nor any reproach upon my conscience.

Judge Douglas, in his report of the 11th of August on the House bill for the reorganization of the Territory of Kansas, makes a number of telling points against the practical workings of the Topeka constitution, as adopted by the House of Representatives, which we deem proper to present in addition to those already given. They are substantially as follows, to wit:

First. It incorporates into Kansas a portion of the Cherokee country, which the United States has, by treaty, pledged the faith of the nation should never be incorporated into any State or Territory.

Second. It also incorporates into Kansas about 20,000 square miles of Mexico, establishes slavery therein until 1858, and prohibits it hereafter, in violation of the laws of the country, and of the compromise measures of 1850, which guarantied said Territory should come into the Union with or without slavery, as the people should determine.

Third. It legalizes and establishes slavery in Kansas and over a portion of New Mexico until 1858, and provides that children heretofore born shall be slaves for life, and their posterity after them, providing they are removed into a slave State or Territory prior to 1858.

Fourth. It recognizes the validity of the existing laws in Kansas, and provides for the faithful execution of them, except punishing murder, robbery, larceny, and other crimes.

Fifth. It provides no guard against illegal voting, frauds in conducting the elections, or violence at the polls; but legalizes all such outrages, by declaring that the law under which they could be punished shall not be enforced.

The report recommends the passage of the bill, which has twice passed the Senate, declaring all the obnoxious laws null and void, and allowing the people to form a constitution.

APPENDIX.

SYNOPSIS OF THE SENATE BILL.

The first section of the bill provides for the appointment of five commissioners, to be appointed by the President and confirmed by the Senate, and prescribes the oath to be taken.

SEC. 2. *And be it further enacted*, That it shall be the duty of said commissioners, under such regulations as the Secretary of the Interior may prescribe, to cause to be made a full and faithful enumeration of the legal voters resident in each county in the said Territory on the fourth day of July, eighteen hundred and fifty-six, and make returns thereof during the month of August next, or as soon thereafter as practicable, one of which returns shall be made to the office of the Secretary of the Interior, and one to the Secretary of the Territory of Kansas, and which shall also exhibit the names of all such legal voters, classed in such manner as shall be prescribed by the regulations of the Secretary of the Interior.

SEC. 3. *And be it further enacted*, That it shall be the duty of the Secretary of the Interior, immediately after the passage of this act, to prescribe regulations and forms to be observed in making the enumeration aforesaid, and to furnish the same with all necessary printed blanks to each of the commissioners as soon as may be after their appointment; and the commissioners shall meet without delay at the seat of government in Kansas Territory, and proceed to the discharge of the duties herein imposed upon them, and appoint a secretary to the board, and such other persons as shall be necessary to aid and assist them in taking the enumeration herein provided for, who must also be duly sworn faithfully, impartially, and truly to discharge the duties assigned them by the commissioners.

Section 4th provides for the division of the State into fifty-two representative districts on the basis of the census.

SEC. 5. *And be it further enacted*, That the said board, immediately after the apportionment of the members of said convention, shall cause a sufficient number of copies thereof and of the returns of the census (specifying the name of each legal voter in each county or district) to be published and distributed among the inhabitants of the several counties, and shall transmit one copy of the said apportionment and census, duly authenticated by them, to each clerk of a court of record within the Territory, who shall file the same, and keep open to the inspection of every inhabitant who shall desire to examine it, and shall also cause other copies to be posted up in at least three of the most public places in each voting precinct, to the end that every inhabitant may inspect the same, and apply to the board to correct any error he may find therein, in the manner hereinafter provided.

SEC. 6. *And be it further enacted*, That said board shall remain in session each day, Sundays excepted, from the time of making said apportionment until the twentieth day of October next, at such places as shall be most convenient to the inhabitants of said Territory, and shall proceed to the inspection of said returns, and hear, correct, and finally determine according to the facts, without unreasonable delay, under proper regulations to be made by the board for the ascertainment of disputed facts concerning said enumeration, all questions concerning the omission of any person from said returns, or the improper insertion of any name on said returns, and any other questions affecting the integrity or fidelity of said returns, and for this purpose the said board and each member thereof shall have power to administer oaths and examine witnesses, and compel their attendance in such manner as said board shall deem necessary.

SEC. 7. *And be it further enacted*, That as soon as the said lists of legal voters shall thus have been revised and corrected, it shall be the duty of said board to cause copies thereof to be printed and distributed generally among the inhabitants of the proposed State, and one copy shall be deposited with the clerk of each court of record within the limits of the proposed State, and one copy delivered to each judge of the election, and at least three copies shall be posted up at each place of voting.

SEC. 8. *And be it further enacted*, That an election shall be held for members of a convention to form a constitution for the State of Kansas, according to the apportionment to be made aforesaid, on the first Tuesday after the first Monday in November, eighteen hundred and fifty-six, to be held at such places and to be conducted in such manner, both as to persons who shall superintend such election and the returns thereof as the board of commissioners shall appoint and direct, except in cases by this act otherwise provided; and of such election no person shall be permitted to vote unless his name shall appear on said corrected lists.

SEC. 9. *And be it further enacted*, That the board of commissioners shall have power, and it shall be their duty, to make all needful rules and regulations for the conduct of the said election and the returns thereof. They shall appoint three suitable persons to be judges of the election at each place of voting, and prescribe the mode of supplying vacancies. They shall cause copies of the rules and regulations, with a notice of the places of holding elections and the names of the judges, to be published and distributed in every election district or precinct ten days before the day of election, and shall transmit a copy thereof to the clerk of each court of record, and one copy to each judge of election.

SEC. 10. *And be it further enacted*, That the judges of election shall each, before entering on the discharge of his duties, make oath or affirmation that he will faithfully and impartially discharge the duties of judge of the election according to law, which oath may be administered by any officer authorized by law to administer oaths. The clerks of election shall be appointed by the judges, and shall take the like oath or affirmation, to be administered by one of the judges or by any of the officers aforesaid. Duplicate returns of election shall be made and certified by the judges and clerks, one of which shall be deposited in the office of the clerk of the tribunal transacting county business for the county in which the election is held, and the other shall be transmitted to the board of commissioners, whose duty it shall be to decide, under proper regulations to be made by themselves, who are entitled to certificates of election, and to issue such certificates accordingly, to the persons who, upon examination of the returns and of such proofs as shall be adduced in case of a contest, shall appear to have been duly elected in each county or district: *Provided*, In case of a tie or contest, in which it cannot be satisfactorily determined who was duly elected, said commissioners shall order a new election in like manner as is herein provided. Upon the completion of these duties the said commissioners shall return to Washington, and report their proceedings to the Secretary of the Interior, whereupon the said commission shall cease and determine.

SEC. 11. *And be it further enacted*, That every white male citizen of the United States over twenty-one years of age, who may be a *bona fide* inhabitant of said Territory on the fourth day of July, eighteen hundred and fifty-six, and who shall have resided three months next before said election in the county in which he offers to vote, and no other persons whatever shall be entitled to vote at said election, and any person qualified as a voter may be a delegate to said convention, and no others; and all persons who shall possess the other qualifications for voters under this act, and who shall have been *bona fide* inhabitants of said Territory at any time since its organization, and who shall have absented themselves therefrom in consequence of the disturbances therein, and who shall return before the first day of October next and become *bona fide* inhabitants of the Territory with the intent of making it their permanent home, and shall present satisfactory evidence of these facts to the board of commissioners, shall be entitled to vote at said election, and to have their names placed on said corrected list of voters for that purpose; and to avoid all conflict in the complete execution of this act, all other elections in said Territory are hereby posponed until such time as said convention shall appoint.

SEC. 12. *And be it further enacted*, That the said commissioners, and all persons appointed by them to assist in taking the census, shall have power to administer oaths and examine persons on oath in all cases where it shall be necessary to the full and faithful performance of their duties under this act; and the secretary shall keep a journal of the proceedings of said board, and transmit copies thereof from time to time to the Secretary of the Interior; and when said commissioners shall have completed the busi-

ness of their appointment, the books and papers of the board shall be deposited in the office of the Secretary of the Territory, and there kept as records of the office.

The 13th, 14th, and 15th sections impose severe penalties of fine and imprisonment for interrupting or abusing the right of suffrage.

SEC. 16. *And be it further enacted*, That the delegates thus elected shall assemble in convention at the capitol of said Territory on the first Monday in December next; and when so assembled, shall first determine by a majority of the whole number of members elected, whether it be or be not expedient at that time to form a constitution and State government, and if deemed expedient, shall proceed to form a constitution and State government, which shall be republican in its form, for admission into the Union on an equal footing with the original States in all respects whatever, by the name of the State of Kansas, with the following boundaries, to wit: beginning on the western boundary of the State of Missouri, where the thirty-seventh parallel of north latitude crosses the same, then west on said parallel to the one hundred and third meridian of longitude, then north on said meridian to the fortieth parallel of latitude, then east on said parallel of latitude to the western boundary of the State of Missouri, then southward with said boundary to the beginning; and until the next congressional apportionment the said State shall have one representative in the House of Representatives of the United States.

Section 17th provides for compensation of commissioners.

SEC. 18. *And be it further enacted*, That inasmuch as the Constitution of the United States and the organic act of said Territory has secured to the inhabitants thereof certain inalienable rights, of which they cannot be deprived by any legislative enactment, therefore no religious test shall ever be required as a qualification to any office or public trust; no law shall be in force or enforced in said Territory respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people peaceably to assemble, and petition for the redress of grievances; the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized; nor shall the rights of the people to keep and bear arms be infringed. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process of obtaining witnesses in his favor, and to have the assistance of counsel for his defence. The privilege of *habeas corpus* shall not be suspended, unless, when in case of rebellion or invasion, the public safety may require it. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted. No law shall be made or have force or effect in said Territory which shall require a test oath or oath to support any act of Congress or other legislative act as a qualification for any civil office or public trust, or for any employment or profession, or to serve as a juror or vote at an election, or which shall impose any tax upon or condition to the exercise of the right of suffrage by any qualified voter, or which shall restrain or prohibit the free discussion of any law or subject of legislation in the said Territory, or the free expression of opinion thereon by the people of said Territor